



# Public Notice

<b>U.S. Army Corps Of Engineers Galveston District</b>	Permit Application No: _____	23178
	Date Issued: _____	20 February 2004
	Comments Due: _____	22 March 2004

## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**PURPOSE OF PUBLIC NOTICE:** To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**AUTHORITY:** This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

**APPLICANT:** Enzo Investments  
4141 Southwest Freeway, Suite 602  
Houston, Texas 77027-7398

**AGENT:** Huitt-Zollars, Inc.  
1500 South Dairy Ashford Street, Suite 200  
Houston, Texas 77077-3858  
Telephone: 281-496-0066  
POC: Steven Gardner

**LOCATION:** The project is located in and adjacent to Clear Lake, north of Marina Bay Drive, west of Twin Oaks Boulevard, in League City, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: League City, Texas. Approximate UTM Coordinates: Zone 15; Easting: 300622; Northing: 3270920.

**PROJECT DESCRIPTION:** The applicant proposes to construct a 24-lot development adjacent to Clear Lake with a 1700-foot constructed canal to provide water access to the waterfront lots. The canal will be excavated in the dry with an earthen plug left between the canal and Clear Lake until all excavation and bulkhead construction is complete. The plug will then be excavated to connect the canal to Clear Lake. The bulkhead built along the Clear Lake frontage will be constructed above the mean high tide line (MHT) and will not require any jurisdictional fill. In addition, the applicant seeks authorization to mechanically dredge 2,150 cubic yards of material from Clear Lake to provide

an access channel to the 3 lakefront lots. Most of the material excavated from uplands on the 9.8-acre tract will be used to raise the elevation of the lots. Material dredged from Clear Lake and excess material from the canal excavation will be placed offsite on a 6.6-acre tract southwest of the intersection of FM 518 and Anders Lane. The total volume of material to be placed on the 6.6-acre placement site is estimated at 6,800 cubic yards. The applicant also proposes to install a water circulating system to improve flow within the canal. An 8-inch diameter PVC pipe will serve as an intake and conduit to water pumped from the canal's north end to the south end of the canal utilizing a stainless steel pump at a rate of approximately 500 gallon per minute. The 8-inch pipe will terminate at a riser that will allow the flow of water to cascade out of the pipe approximately 12 inches above MHT. The applicant's plans are enclosed in 14 sheets.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

**OTHER AGENCY AUTHORIZATIONS:** Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

**STATE WATER QUALITY CERTIFICATION:** No water quality certification is required.

**NATIONAL REGISTER OF HISTORIC PLACES:** The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

**THREATENED AND ENDANGERED SPECIES:** Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

**PUBLIC HEARING:** Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before **22 March 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

Jeff Hill  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3133 Phone  
409-766-3931 Fax

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS